

**Chapter 18.220*****Improvements*****18.220.010 Improvement Agreement**

- A. Before a final tract, vesting, reversion to acreage or parcel map is approved or complete all required improvements shall be accepted by the City.
- B. The City will not accept the dedication of any streets, alleys, pedestrian ways, easements or public places shown on the map unless all the required improvements have been completed and accepted.
- C. If improvements are required to protect certain lots from drainage hazards, an agreement may require that those improvements shall be installed prior to those certain lots being sold. The developer shall be required to obtain written approval from the City's Public Works Department prior to the sale of those lots.

**18.220.020 Improvement Security**

- A. In the event a contract is entered into for completion of improvements, the contract shall be secured by a good and sufficient improvement security in a form satisfactory to the City Attorney. "Improvement Security," as used in this Chapter, means one or more of the following:
  - (1) a deposit or deposits made with the City of money or negotiable bonds of the kind approved for securing deposits of public moneys;
  - (2) a bond(s) by one or more duly-authorized corporate sureties;
  - (3) an instrument(s) of credit from one or more financial institutions subject to regulation by the State or Federal government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payment and agreeing that the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument or a letter of credit issued by such a financial institution; or
  - (4) an assessment district proceeding whose purpose is to install public improvements provided that the City Council has confirmed the assessments and ordered the proposed improvements to be made.
    - a. In the event an assessment district proceeding is utilized, the confirmed assessments shall total an amount equal to fifty percent (50%) of the total estimated cost of the improvements to ensure the completion of said improvements and a like amount to act as security payment of the contractor, his subcontractors and to persons furnishing labor, materials or equipment to them for the improvements; provided, however, when the contract is awarded to construct such improvements or portions thereof, the contractor shall be required to furnish a faithful performance bond in an amount equal to one hundred percent of the contract price and a labor and material bond in accordance with the provisions of Chapter 7 (commencing with Section 3247) of Title 15 of the Civil Code of the State of California.
- B. Said improvement security shall be in the amounts and for the following purposes:
  - (1) faithful performance surety in the amount of one hundred percent (100%) of the total estimated cost of the improvements;
  - (2) fifty percent (50%) of the total estimated cost of the improvements, securing payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment to them for the improvements; and
  - (3) at least ten percent (10%) of the total estimated cost of the improvements for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished.

### **18.220.030 Improvement Plans**

Prior to the commencement of construction or installation of any improvements within any street, alley, pedestrian way, easement, or other public area or right-of-way, the subdivider shall submit a complete set of construction plans to the Public Works Department. After all necessary changes, modifications, and additions ordered by the City Engineer or other applicable departments or agencies have been made on the improvement plans and before the map is given final approval, the subdivider shall file with the Public Works Department and other affected departments or agencies a complete set of reproducible permanent transparencies of the approved plans which shall become the property of the City and other applicable agencies.

### **18.220.040 Improvement Standards**

All improvements shall be constructed and installed in accordance with the approved plans.

### **18.220.050 Supplemental Improvements**

The subdivider may be required to install additional improvements for the benefit of property not within the subdivision. The subdivider may be reimbursed for the costs of the additional improvements, pursuant to the Subdivision Map Act 66486.

### **18.220.060 Work Required**

The improvements required by this Chapter shall consist of all of the following work and such other work as may be required as a condition of acceptance of any street, alley, pedestrian way, easement, or other right-of-way:

- A. Grading and filling to approved grade, and construction of all necessary grade crossings, culverts, bridges and other related works;
- B. Construction and installation of all drains, drainage facilities, channel improvements and other drainage works required to provide adequate drainage for every lot and to protect all lots from flood or overflow by storm waters or floodwaters, in accordance with the approved plans for drains and drainage works;
- C. Construction and installation of concrete curbs and gutters on both sides of every street and on the proximate side of each existing or dedicated street bordering the subdivision. If a street is an extension of a turnaround or temporary turnaround, the bulbed portion shall be removed and the required improvements installed;
- D. Installation or provision for the installation of all sewer mains, including dry sewers when required by the Public Works Department, and all laterals required to serve each lot. When such facilities are located in a street, laterals shall be laid to the property line and a cleanout placed to serve each lot. All required facilities installed in a street shall be laid before the street is paved, and shall extend at least to the subdivision boundary;
- E. Installation of all utilities, utility lines and appurtenances, including water mains, fire hydrants, gas mains, telephone and electric lines, and all laterals and appurtenant equipment required to serve each lot. When such facilities are located in a street, laterals shall be laid to the property line of each lot. All required facilities installed in a street shall be laid before the street is paved, and shall extend at least to the subdivision boundary;
- F. Required utility lines, including but not limited to electrical, telephone, cable television, and street light service lines, providing service to all new property developments shall be placed underground. The subdivider is responsible for complying with the requirements of this section, and he shall make the necessary arrangements with the serving utility companies for the installation of such facilities. For the purpose of this subsection, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, ducts, street lighting or signal control cabinets, and other associated equipment in an underground system may be placed above ground. The Public Utilities Director may waive the requirements of this subsection if topographic conditions, soil or any other conditions make such underground installation unreasonable or impractical. A written justification for any such waiver shall be prepared and kept on file.

This subdivision shall not apply to telephone transmission lines or electric transmission lines or other lines which do not provide service to the area being subdivided;

- G. Relocation or provision for the relocation of any underground or overhead utility, including irrigation lines, the relocation of which is necessitated by development of the subdivision;
- H. Installation of asphalt concrete pavement, base material, and seal coat in all existing or dedicated streets and alleys or portions thereof;
- I. Installation of concrete sidewalks adjacent to the curbline, except where this requirement is specifically waived; installation of concrete driveway approaches; and installation of concrete pavement for pedestrian ways;
- J. Planting or providing for the planting of trees of the variety, size and condition prescribed by the Park, Recreation and Community Services Department in accordance with the approved plans and specifications; removing and, where required by the Park, Recreation and Community Services Department, transplanting designated trees that are located in the line of construction of improvements; providing maintenance for all trees and landscaped areas until the same are accepted by the City;
- K. Installation or provision for the installation of street lights of approved design and illumination intensity in the locations and manner approved by the Public Utilities Director;
- L. Installation of all required street signs, including street name signs, warning signs, and regulatory signs where required;
- M. Construction and installation of street barricades where required;
- N. Where any boundary line of a subdivision is adjacent to or across a public street, alley or pedestrian way from an open and unfenced canal, storm channel, railroad, quarry, airport, or other hazardous facility, or adjacent to unimproved land capable of division or development, or productive agricultural land, construct a six-foot chain link fence or masonry wall or barrier, separation or the like to the specifications of the Planning and Public Works Departments along such subdivision boundary line, or construct the equivalent length of fence or wall along the nearest right-of-way line of such canal, channel, railroad, airport, or other hazardous facility;
- O. Construction of such acceleration and deceleration lanes and traffic channelization devices in streets as are deemed necessary by the Public Works Department to control traffic;
- P. All work and improvements contemplated by and performed under the provisions of this Title shall be accomplished so as to minimize interference with and coordinate with other construction activities or developments of or on behalf of the City and nearby private development.

#### **18.220.070 Arterial Street Improvements**

Where the General Plan or any applicable specific plans shows an arterial street located within the boundaries of a subdivision or located immediately adjacent to a boundary or boundaries of a subdivision, the following dedications and improvements shall be required:

- A. Where the arterial street is designated to be within the boundaries of the subdivision, the subdivider shall dedicate and grade the entire right-of-way and improvement shall be required as designated by this Title, including a raised median with landscaping consisting of trees, shrubs, ground cover, hardscape and a fully automated irrigation system as approved by the Public Works and Park, Recreation and Community Services Directors.
- B. Where the designated arterial street adjoins or is adjacent to a boundary or boundaries of the subdivision, the subdivider shall dedicate and grade one half of said right-of-way from the centerline, and improvements shall be required as designated in this Title for one-half of the street, including one-half of a raised median with landscaping consisting of trees, shrubs, ground cover, hardscape and a fully automated irrigation system as approved by the Public Works and Park, Recreation and Community Services Directors. However, upon approval by the Public Works Department a fee in lieu thereof may be paid by the subdivider to the City, which fee shall be in the amount estimated by the Public Works and

Park, Recreation and Community Services Directors to be the cost of one-half of the raised median with landscaping and irrigation system.

#### **18.220.080 Frontage Road Requirements**

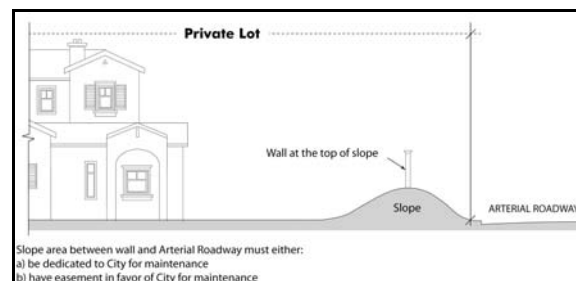
Where a limited access design is required for a highway and to accomplish this purpose a frontage road is provided, the frontage road and the adjacent highway shall be improved in accordance with the provisions of this Title, with the following additions and modifications:

- A. Street lights shall be required on both the highway and the frontage road.
- B. Where the highway is already improved and the pavement is not to the required grade and elevation, the subdivider shall remove and install the pavement to the required grade and elevation.
- C. Full improvement of the sections connecting the highway and the local streets within the subdivision in accordance with the specifications of the Public Works Department shall be required. These improvements shall include any and all improvements on the highway deemed necessary by the City Engineer in order to provide for adequate entrances to and exits from the subdivision.
- D. A planting strip shall be provided between the frontage road and its adjacent highway which shall contain trees, shrubs, ground cover and an automatic irrigation system as approved by the Park, Recreation and Community Services Director.

#### **18.220.090 Reverse Frontage and Side Frontage Lots**

Where a limited access design is required for an arterial, and to accomplish this purpose reverse or side frontage lots bordering the arterial are provided, said arterial shall be improved in accordance with the provisions of this Title with the following additions and modifications:

- A. Full improvement of the sections connecting the arterial and the local streets within the subdivision in accordance with the specifications of the Public Works Department shall be required. These improvements shall include any and all improvements on the arterial deemed necessary by the City Engineer to provide for adequate entrances to and exits from the subdivision.
- B. A masonry wall shall be constructed of a design, material and color approved by the Zoning Administrator adjacent to the rear or side property line of the lots backing up to or siding on an arterial street or other location as may be required by the City Engineer. Such wall shall not be less than six (6) feet in height, unless the regulations in Title 19 of this Code prescribe a different height, and shall be uniform in design, material and color. Where it is more feasible because of topography to construct the wall at the top of a slope adjacent to the arterial, the area between the street and the wall shall be dedicated or granted by easement to the City for restricted street purposes including landscaping; and the Planning Commission may grant modifications required for the development of any adjacent lot or parcel due to such dedication or grant of easement in accordance with the provisions of this Title.



18.220.090 B Reverse Frontage Walls

- C. Landscaping shall be required in the area between the property line and the curb and in any dedicated area or required landscape easement area between a required masonry wall and fence and the planned street line, and the landscaping shall consist of trees, shrubs, ground cover, and a fully automated irrigation system as approved by the Park, Recreation and Community Services Director; provided, however, a fee in lieu thereof may be paid by the subdivider to the City, which fee shall be in an amount

estimated by the Park, Recreation and Community Services Director to be the cost for such improvements.

- D. Long term maintenance of landscaping and the reverse frontage wall shall be the responsibility of a homeowner's association (HOA) where one exists in the case of a planned residential development. Where no HOA exists, the developer shall be responsible for providing for the long term maintenance of the landscaping and wall by means acceptable to the City, including payment of an endowment in an amount approved by the City.

#### **18.220.100 Inspection of Work**

The subdivider shall cause all work under construction to be inspected at such times as are established and required by the City.

#### **18.220.110 Access for Cable Television and Similar or Alternative Telecommunications Systems**

- A. Any and all appropriate cable television and similar or alternative telecommunications systems shall be provided access to any subdivision for which a tentative map was required by this Title for the purpose of constructing, installing or maintaining equipment consistent with the requirements of the City of Riverside, within public streets, highways, alleys, public utility easements, telecommunications easements and other public easements designated by the City of Riverside as acceptable for cable television and similar or alternative telecommunications systems use, which equipment is necessary to extend the appropriate telecommunications systems to the parcels within the subdivision.

"Appropriate cable television and similar or alternative telecommunications systems", as used in this section, means those franchised to serve the geographical area in which the subdivision is located.

- B. When the subdivision is being developed, the subdivider or the owner shall provide notice to all appropriate cable television and similar or alternative telecommunications systems regarding the optimum time or times for the access required by subsection A of this section to take place so that all trenching for utilities, sewers, telecommunications systems and the like can be coordinated and shared when feasible. While the subdivision is under construction, the access required by subsection A of this section shall be provided upon terms mutually acceptable to the subdivider or owner and an appropriate telecommunications system. If no mutually acceptable terms can be agreed upon, such appropriate telecommunications system shall have the right to construct, at its sole expense, separate trenches and to place therein all equipment necessary to extend such appropriate telecommunications system to the parcels within the subdivision. When any appropriate telecommunications system installs associated equipment in a separate trench, the trenching activity shall be performed as close in time and physical proximity to the trenching for utility lines, sewers and any other appropriate telecommunications system equipment as practicable.

#### **18.220.120 Preinstalled Improvements**

If the subdivider completes all improvements required by this Title prior to approval by the City of the final map or parcel map the subdivider shall be required, in addition to any other requirements of this Title, to provide the City with an improvement security in form acceptable to the City Attorney to guarantee the maintenance of the work required by this Title, for a period of one (1) year following the acceptance thereof by the City, against any defective work or labor done or defective materials furnished. The penal sum of this security shall be in the amount of ten percent (10%) of the estimated cost of all improvements required by this Title, which cost shall be ascertained by the City Engineer; but in no event shall said penal sum be less than three hundred dollars (\$300).

#### **18.220.130 Forfeiture of Security**

If the subdivider or the surety fails to complete all the required improvements within a time prescribed by the improvement contract with the City or any authorized extension thereof by the City, in addition to any other legal or equitable remedies available, the City Council may order that the remaining improvements be made by or on behalf of the City at the expense of the subdivider and the surety.

#### **18.220.140 Release of Security**

The improvement security may be released in the following manner:

- A. Upon completion of all the work, improvements and obligations called for under the subdivider's contract for completion of the improvements, and upon acceptance of all said work and improvements by the Public Works Director or his/her designee, the Public Works Director or his/her designee shall authorize the release of the improvement security given for faithful performance of the contract. The release shall not apply to any required guarantee and warranty period required by 18.220.020 B 3. However, the liability of the improvement security given for faithful performance of the contract shall continue for a period of one year following the acceptance of the work and improvements to guarantee the City against any defective work or labor done, or defective materials furnished in the performance of the contract.
- B. The improvement security securing the payment to the contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials may, six (6) months after the completion and acceptance of the work and improvements, be reduced to an amount not less than the total of all claims on which an action has been filed and notice thereof given in writing to the City; and if there are no actions filed, the Public Works Director or his/her designee will authorize the release in full of the improvement security.